

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Joshua Jeter,

Plaintiff,

v.

Lt. Miguel Cleveland, Ofc. Prevost, Lt. Delk, Ofc. Ramp, Sgt. Christopher Timmons, Lt. Philip Douglas, Major Gregg, Lt. Jorge Romero, Warden Stephan, Associate Warden Devine Carter, Associate Warden Frederick, Associate Warden Peeples, Deputy Warden Tamara Collins, Lt. Tiarra Thomas, Brittany Cunningham, Counsel Substitute R. Rice, Captain Floravia Jones, Lt. Randy Ward, Mental Health Nurse Thurnese Williams, and Nurse Christina Hendrickson,

Defendants.

C/A No. 2:22-cv-1651-SAL

ORDER

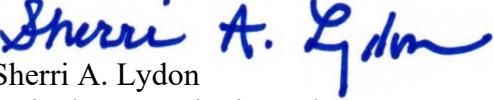
This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Mary Gordon Baker made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) (the “Report”). [ECF No. 61.] Plaintiff Joshua Jeter, proceeding *pro se* and *in forma pauperis*, filed this action against Defendants under 42 U.S.C. § 1983 in May 2022. [ECF No. 1.] He later moved to preliminarily enjoin Defendants from performing certain “retaliat[ory]” acts and disciplinary procedures in state prison. [ECF No. 48 at 5.] The magistrate judge recommends the court deny the request because Plaintiff failed to show relief is necessary. [ECF No. 61 at 4–6 (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008)).] The Report notified Plaintiff of the procedures for filing objections to that recommendation. *Id.* at 7. Plaintiff did not file objections, and the time for doing so has passed.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court must review *de novo* only the portions of the Report to which a party has specifically objected, and it may accept, reject, or modify the Report in whole or in part. *See* 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error. The Report, ECF No. 61, is adopted and incorporated by reference herein. Plaintiff’s motion for a temporary restraining order and preliminary injunction, ECF No. 48, is therefore **DENIED**.

IT IS SO ORDERED.

November 20, 2023
Columbia, South Carolina


Sherri A. Lydon
United States District Judge